
UNITED STATES COURT OF APPEALS FOR THE FEDERAL CIRCUIT

14-1020, 14-1033 & 14-1039
JARROW FORMULAS, INC.
Plaintiff-Appellant
v.
NOW HEALTH GROUP, INC.
Defendant-Cross-Appellant

SOFT GEL TECHNOLOGIES, INC.
Plaintiff/Counterclaim Defendant-Cross-Appellant
v.
JARROW FORMULAS, INC.
Defendant/Counterclaimant-Appellant

Appeal from the United States District Court for the Central District of California
in Case No. 2:10-cv-08301-PSG (JCx) and 2:11-cv-00164-PSG (JCx),
Judge Philip S. Gutierrez

JOINT MOTION TO ESTABLISH BRIEFING SCHEDULE

Pursuant to Rule 26 of the Federal Rules of Appellate Procedure and Rule 26 of the Rules of this Court, the parties to the above-captioned appeal and cross-appeals -- Jarrow Formulas, Inc. ("Jarrow"); NOW Health Group, Inc. ("NOW"); and Soft Gel Technologies, Inc. ("Soft Gel") – respectfully request that the Court

amend the briefing schedule in these matters. At present and pursuant to Rule 31 of the rules of this Court, the parties' briefs are currently due as follows:

1. December 9, 2013 – initial brief by Jarrow, the Plaintiff-Appellant and Defendant/Counterclaimant-Appellant;
2. January 20, 2014 – initial briefs by NOW, the Defendant-Cross-Appellant, and Soft Gel, the Plaintiff/Counterclaim Defendant-Cross-Appellant;
3. March 3, 2014 – reply brief by Jarrow; and
4. March 17, 2014 – reply briefs (if any) by NOW and Soft Gel.

By way of this motion, the parties request that their briefs and reply briefs be due as follows:

1. January 10, 2014 – initial brief by Jarrow;
2. March 12, 2014 – initial briefs by NOW and Soft Gel;
3. April 21, 2014 – reply brief by Jarrow; and
4. May 5, 2014 – reply briefs (if any) by NOW and Soft Gel.

No previous extensions have been sought by or granted to any of the parties. Based on the existing schedule, the briefing schedule requested by the parties would result in extensions of: a) 32 days for the initial brief by Jarrow; b) 51 days for the initial briefs of NOW and Soft Gel; c) 49 days for the reply brief of Jarrow; and d) 49 days for the reply brief of NOW and Soft Gel.

As set forth in the attached Declaration of Charles D. Ray, the reasonable briefing schedule requested jointly by the parties is necessary to accommodate the other professional and personal commitments of counsel for the parties. For these

reasons and for good cause shown, the parties submit that the briefing schedule set forth above is both necessary and reasonable. A proposed order believed appropriate for entry by the Court is attached to this motion.

November 8, 2013

Respectfully submitted,

/s/ Mark D. Giarratana
Mark D. Giarratana
McCARTER & ENGLISH LLP
CityPlace I
185 Asylum Street
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860-275-6700
Attorneys for Jarrow Formulas, Inc.

/s/R. David Donoghue
R. David Donoghue
HOLLAND & KNIGHT LLP
131 South Dearborn Street
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312-578-6553
Attorneys for NOW Health Group, Inc.

/s/ Sri K. Sankaran
Sri K. Sankaran
WINTHROP & WEINSTINE, P.A.
225 South 6th Street, Suite 3500
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612-604-6753
Attorneys for Soft Gel Technologies, Inc.

Form 9

FORM 9. Certificate of Interest

UNITED STATES COURT OF APPEALS FOR THE FEDERAL CIRCUIT

Jarrow Formulas, Inc. v. Now Health Group, Inc.

No. 14-1020

CERTIFICATE OF INTEREST

Counsel for the (petitioner) (appellant) (respondent) (appellee) (amicus) (name of party)

Jarrow Formulas, Inc. certifies the following (use "None" if applicable; use extra sheets if necessary):

1. The full name of every party or amicus represented by me is:
Jarrow Formulas, Inc.

2. The name of the real party in interest (if the party named in the caption is not the real party in interest) represented by me is:
None

3. All parent corporations and any publicly held companies that own 10 percent or more of the stock of the party or amicus curiae represented by me are:
None

4. ☒ The names of all law firms and the partners or associates that appeared for the party or amicus now represented by me in the trial court or agency or are expected to appear in this court are:
See attached

October 21, 2013
Date

/s/Mark D. Giarratana
Signature of counsel
Mark D. Giarratana
Printed name of counsel

Please Note: All questions must be answered

cc:

Law Firm and Attorneys Representing Jarrow Formulas, Inc. in the District Court and in this Court:

McCarter & English, LLP
CityPlace I, 185 Asylum Street
Hartford, CT 06103

Mark D. Giarratana -- Partner
Thomas J. Rechen -- Partner
Eric Grondahl -- Partner

Law Firm and Attorney Representing Jarrow Formulas, Inc. in the District Court but not in this Court:

Lawrence Jones Law Offices
34 Hurricane Street
Marina Del Rey, CA 90292

Lawrence C. Jones -- Partner

Law Firm and Attorney Representing Jarrow Formulas, Inc. in this Court but not in the District Court:

McCarter & English, LLP
CityPlace I, 185 Asylum Street
Hartford, CT 06103

Charles D. Ray -- Partner

Form 9

FORM 9. Certificate of Interest

UNITED STATES COURT OF APPEALS FOR THE FEDERAL CIRCUIT

Jarrow Formulas, Inc. v. NOW Health Group, Inc.

No. 14-1020

CERTIFICATE OF INTEREST

Counsel for the (petitioner) (appellant) (respondent) (appellee) (amicus) (name of party)

Cross Appellant NOW Health Group, Inc. certifies the following (use "None" if applicable; use extra sheets if necessary):

1. The full name of every party or amicus represented by me is:
NOW Health Group, Inc.

2. The name of the real party in interest (if the party named in the caption is not the real party in interest) represented by me is:
See party named in caption.

3. All parent corporations and any publicly held companies that own 10 percent or more of the stock of the party or amicus curiae represented by me are:
None

4. ☒ The names of all law firms and the partners or associates that appeared for the party or amicus now represented by me in the trial court or agency or are expected to appear in this court are:
See Attachment A

October 22, 2013

Date

/s/ R. David Donoghue

Signature of counsel

R. David Donoghue

Printed name of counsel

Please Note: All questions must be answered

cc: _____

Law Firm and Attorneys Representing NOW Health Group, Inc. in the District Court and in this Court:

Holland & Knight, LLP
131 S. Dearborn, 30th Floor
Chicago, IL 60603

R. David Donoghue - Partner

Law Firm and Attorney Representing NOW Health Group, Inc. in the District Court but not in this Court

Holland & Knight LLP
633 West Fifth Street 21st Floor
Los Angeles, CA 90071-2040

Kristina Starr Azlin - Partner

Law Firm and Attorney Representing NOW Health Group, Inc. in this Court but not in the District Court:

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131 S. Dearborn, 30th Floor
Chicago, IL 60603

Steve E. Jedlinski - Associate

Form 9

FORM 9. Certificate of Interest

UNITED STATES COURT OF APPEALS FOR THE FEDERAL CIRCUIT

Jarrow Formulas, Inc. v. Now Health Group, Inc.

No. 14-1020

CERTIFICATE OF INTEREST

Counsel for the (petitioner) (appellant) (respondent) (appellee) (amicus) (name of party)
Soft Gel Technologies, Inc. certifies the following (use "None" if applicable; use extra sheets
if necessary):

1. The full name of every party or amicus represented by me is:
Soft Gel Technologies, Inc.

2. The name of the real party in interest (if the party named in the caption is not the real
party in interest) represented by me is:
Soft Gel Technologies, Inc.

3. All parent corporations and any publicly held companies that own 10 percent or more
of the stock of the party or amicus curiae represented by me are:
Soft Gel Technologies, Inc. is wholly owned by Kenko Corporation.

4. ☒ The names of all law firms and the partners or associates that appeared for the party
or amicus now represented by me in the trial court or agency or are expected to appear in this
court are:

Winthrop & Weinstine P.A. and Dorsey & Whitney LLP; Sri K. Sankaran, Devan V.
Padmanabhan, John Baker, and Bryan M. McGarry

10/23/2013

Date


Signature of counsel

Sri K. Sankaran

Printed name of counsel

Please Note: All questions must be answered

cc: _____